



U.S. Department of Justice

United States Attorney
District of Hawaii

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Honolulu, Hawaii 96850

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7-6

VIA FAX AND MAIL

July 1, 2004

Jerry Wilson, Esq.
220 South King, Suite 1450
Honolulu, Hawaii 96813

Re: United States v. Felipe Raguinden Domanguera
Cr. No. 04-00061 DAE

Dear Mr. Wilson:

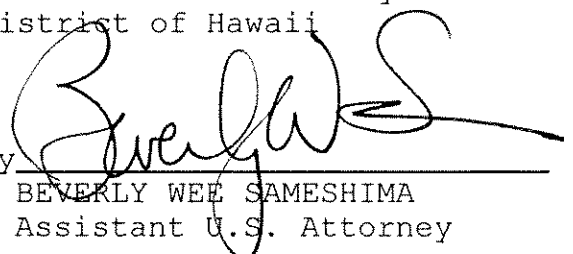
This confirms our telephone conversation of this date in which you advised me that your client wishes to change his plea and that you will be faxing me proposed changes to the factual basis portion of the draft Memorandum of Plea Agreement. Enclosed herein is the proposed waiver language which the government intends to insert into the plea agreement.

We also agreed to seek a brief continuance of the trial date and final pretrial conference to enable the parties to finalize the plea agreement and consummate the defendant's change of plea. I have contacted the courtroom deputy and am awaiting the proposed dates.

Thank you for your attention to this matter.

Very truly yours,

EDWARD H. KUBO, JR.
United States Attorney
District of Hawaii

By 
BEVERLY WEE SAMESHIMA
Assistant U.S. Attorney

Attachment

Exhibit B

PLEA AGREEMENT WAIVER

7A. Defendant, by entering this plea, specifically waives any right that he (she) may have to have facts that determine the sentence under the Sentencing Guidelines, including facts that support any: a) specific offense characteristic; b) enhancement; c) adjustment; d) relevant conduct; and/or e) finding of criminal history, alleged in the indictment and/or found by a jury. Instead, defendant understands and agrees that the court will find the facts necessary to determine defendant's sentence under the Sentencing Guidelines by a preponderance of the evidence, or, if the law requires, by clear and convincing evidence.